

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GARY DELMAR HENDERSON,

Plaintiff,

v.

G. AGAME,

Defendant.

Case No. 1:20-cv-00635-NONE-JLT (PC)

**ORDER SETTING VIDEO
SETTLEMENT CONFERENCE**

Date: November 1, 2021

Time: 10:00 a.m.

On August 15, 2021, the Court stayed this matter and directed the parties to file notices indicating whether they agree to participate in an early settlement conference. (Doc. 27.) The parties filed notices that they agree to do so. (Docs. 31-32.) Accordingly, the Court ORDERS:

1. This matter is set for a settlement conference via Zoom before the undersigned on **November 1, 2021, at 10:00 a.m.**
2. Defense counsel shall arrange for Plaintiff's participation in the conference. Prior to the conference, counsel shall contact the undersigned's courtroom deputy at shall@caed.uscourts.gov to arrange for the Zoom videoconference connection information. The Court will issue a writ of *habeas corpus ad testificandum*, as appropriate.
3. Each party or a representative with full authority to negotiate and enter into a binding settlement agreement shall participate in the conference. The failure of any counsel,

1 party, or authorized person subject to this order to participate in the conference may
2 result in the imposition of sanctions.

- 3 4. Consideration of settlement is a serious matter that requires thorough preparation prior
4 to the settlement conference. Participants in the conference must be prepared to
5 discuss the claims, defenses, and damages.
- 6 5. The parties shall submit confidential settlement conference statements **no later than**
7 **October 18, 2021**. Plaintiff shall mail his statement, clearly captioned “Confidential
8 Settlement Conference Statement,” to United States District Court, Attn: Magistrate
9 Judge Jennifer L. Thurston, 2500 Tulare Street, Room 1501, Fresno, CA 93721.
10 Defendants shall email their statement to jltorders@caed.uscourts.gov.

11 Once the parties have submitted their statements, they shall file a “Notice of
12 Submission of Confidential Settlement Conference Statement” with the court. The
13 confidential settlement conference statements themselves **should not be filed** with the
14 court **nor served** on the opposing party.

- 15 6. The confidential settlement conference statements should be no longer than 5 pages in
16 length, typed or neatly printed, and include:
- 17 a. A brief summary of the facts of the case;
- 18 b. A brief summary of the claims and defenses of the case, i.e., the statutory,
19 constitutional, or other grounds upon which the claims are founded;
- 20 c. A forthright discussion of the strengths and weakness of the case and an evaluation
21 of the likelihood of prevailing on the claims or defenses, from the party’s
22 perspective, and a description of the major issues in dispute;
- 23 d. An estimate of the party’s expected costs and time to be expended for further
24 discovery, pretrial matters, and trial;
- 25 e. A summary of past settlement discussions, if any; a statement of the party’s
26 current position on settlement, including the amount the party would offer and
27 accept to settle (in specific dollar amounts); and a statement of the party’s
28 expectations for settlement discussions;

- 1 f. A list of the individuals who will be attending the conference on the party's behalf,
2 including names and, if appropriate, titles; and,
3 g. If a party intends to discuss the settlement of any other actions or claims not raised
4 in this suit, a brief description of each action or claim, including case number(s), as
5 applicable.

6
7 IT IS SO ORDERED.

8 Dated: October 1, 2021

/s/ Jennifer L. Thurston
CHIEF UNITED STATES MAGISTRATE JUDGE